

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

ROBERT LEONARD KIESER

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Missouri

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Missouri

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Missouri

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Western District of Missouri

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

11/24/2008

12. Counts in the Master Complaint brought by Plaintiff(s):

- X** Count I: Strict Products Liability – Manufacturing Defect
- X** Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X** Count III: Strict Products Liability – Design Defect
- X** Count IV: Negligence - Design
- X** Count V: Negligence - Manufacture
- X** Count VI: Negligence – Failure to Recall/Retrofit
- X** Count VII: Negligence – Failure to Warn
- X** Count VIII: Negligent Misrepresentation
- X** Count IX: Negligence *Per Se*
- X** Count X: Breach of Express Warranty
- X** Count XI: Breach of Implied Warranty

- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)
-
-

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 9th day of April, 2018.

BABBITT & JOHNSON, P.A.

By: /s/ Joseph R. Johnson
Joseph R. Johnson (Fla. Bar No. 372250)
Suite 100
1641 Worthington Road
West Palm Beach, FL 33409
(561) 684-2500
jjohnson@babbitt-johnson.com

James P. Cannon #37052MO
James A. Montee #33489MO

MONTEE LAW FIRM, P.C.
10200 Holmes
Kansas City, MO 64131
(816) 523-0521
Facsimile: (816) 523-0084
jpc.atty@yahoo.com
jmontee@montee@monteelawfirm.com